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Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005). The report also reflects developments from the first half of January 2006.

II. Insecurity in Darfur

2. December witnessed a continuation of very high levels of violence and insecurity in Darfur, including banditry, the new round of militia attacks on villages and camps for internally displaced persons, intensive Government combat operations and the deliberate destruction of significant areas of farmland. In addition, the rapid deterioration of the situation along the Chad-Sudan border and concern about a possible conflict between those two neighbouring countries have further exacerbated the climate of insecurity.

3. During the reporting period, both the Sudan Liberation Movement/Army (SLM/A) and the Government seriously flouted the ceasefire agreements they had signed. On 3 December, armed militia attacked the SLA at Um Kunya, south of Nyala, as a result of which as many as 11 civilians were reported killed and up to 7,500 people were displaced. On 4 December, in an apparent retaliation for the Um Kunya attack, SLA forces attacked the garrison of the Sudanese Armed Forces at Donkey Dereaisa, while Sudanese Armed Forces attacked SLA positions in the Masteri area, south-west of Geneina. Heavy fighting was reported and clashes continued over a three-day period, forcing the relocation from the area of staff of non-governmental organizations (NGOs). There was also fighting between the government forces and rebels in Masteri, Kongo Haraza and Beida, together with militia attacks in the Jebel Moon, Silea and Kulbus areas.

4. Targeted, pre-meditated attacks on the African Union Mission in the Sudan (AMIS) continued over the past month. On 29 November, an AMIS patrol was attacked by unknown gunmen in the Kulbus area in Western Darfur. Five soldiers were injured in the incident. Djibril Abdul Kareem of the National Movement for Reform and Development claimed responsibility for the attack and threatened to shoot down any United Nations helicopter seen flying over the area.

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5. In another serious attack, on 6 January, 10 AMIS soldiers were wounded and 1 killed in an attack in Western Darfur. Based on their own investigation, AMIS reported that responsibility for the attack rests with NMRD leader Djibril.

6. The level and intensity of inter-tribal and militia clashes have also continued to increase dangerously. On 19 December, hundreds of armed militia attacked the village of Abu Soroui, in Western Darfur, burning dozens of huts and looting livestock. A total of 19 villagers, including several women and children, were reported killed in the attack.

7. The security situation in Western Darfur is again being negatively affected by the rapidly deteriorating situation along the Chad-Sudan border. On 18 December, there were major clashes between Chadian rebel groups and the Chadian armed forces in the border town of Adre. Since then, there has been a worrying build-up of armed forces of the two States and local militias on both sides of the border. Security in the area outside Geneina has deteriorated to such a degree that United Nations operations are restricted to the town only, with almost all United Nations staff relocated to other areas where security conditions permit the execution of our programmes.

III. Human rights and protection

8. During December, unidentified armed elements continued to launch attacks on camps for internally displaced persons, while elements associated with the Sudanese Armed Forces continued to harass and intimidate displaced persons. However, measures undertaken by AMIS in recent weeks, including increased patrols in and around the camps, in conjunction with governmental efforts to reduce tensions, have led to a decrease in incidents in some locations, including at the Kalma camp, in Southern Darfur.

9. Also at Kalma on 15 December, the Government lifted the commercial blockade that was imposed on the camp more than six months ago. The blockade, which had prevented the flow of critical goods and materials into the camp, constituted a serious violation of international human rights and humanitarian law, and led to a dramatic increase in tensions and violence there. The lifting of the ban, combined with the more regular AMIS presence in the camp, has significantly reduced the number of security incidents reported from Kalma.

10. Reports of the use of children in armed conflict continue to be a source of grave concern. Hundreds of boys went missing after fighting in the villages around Gereida, in Southern Darfur. Their families affirm that the boys had joined an armed militia set up to protect displaced Massalit people from further attack. I call upon all those who recruit children into armed groups in Darfur to immediately cease this practice, release the children from their ranks and reunite them with their families.

11. Field missions and investigations conducted by United Nations human rights officers in December also revealed serious abuses against civilians in the context of major attacks by the Sudanese Armed Forces and/or armed militias. Documented violations include forced displacement, arbitrary arrest, prolonged detention, torture by national security officials and the indiscriminate use of force in military operations.

12. Members of the Zaghawa ethnic group in the Shearia area have been subjected to human rights violations by Birgit tribe members with the involvement of the military. Documented violations committed against the Zaghawa include targeted beatings, systematic looting and the closure of schools. Those actions resulted in 2,500 Zaghawa being forcibly displaced from the town into the African Union (AU) base and neighbouring villages. Eight detainees arrested in relation to the SLA attack on Shearia in September 2005 reported that they had been held for prolonged periods without charge or trial and physically abused while in the joint custody of National Security and Military Intelligence.

13. Those arrests form part of a broader pattern of harassment of the Zaghawa in Southern Darfur over the past six months. The arrests targeted wealthy Zaghawa businessmen, teachers, students and religious figures, who are frequently accused of providing support to SLA. Claims of arbitrary detention are supported by the disproportionate number of Zaghawa in custody and the fact that few investigations ever result in formal charges being brought.

14. An important means of preventing torture is by regular and unannounced visits to monitor the treatment and conditions of people in detention. Despite commitments by the Government to provide unfettered access to all detention facilities, the United Nations Mission in the Sudan (UNMIS) continues to be denied access to the majority of the detention facilities of the Military Intelligence and National Security. I urge the Government to abide by its agreement and ensure that a clear policy is communicated to the relevant authorities at the local level.

15. One positive development over the past month was the mission of the Sub-Joint Implementation Mechanism on Human Rights and Protection to Western Darfur on 18 December to investigate reports of gender-based violence by the Central Reserve Police in the Mornei camp for internally displaced persons. The mission visited the camp to examine those reports and to assess actions taken against alleged perpetrators. The delegation was also tasked to assess whether government officials in Mornei were abiding by the criminal procedures for investigating gender-based violence. The delegation consisted of government officials from the Advisory Council on Human Rights and the Ministry of the Interior, as well as representatives of UNMIS and the diplomatic community in Khartoum. However, there has been only one meeting of the Joint Implementation Mechanism itself since the formation of the Government of National Unity in September 2005.

16. Steps have also been taken to translate the national action plan to eliminate violence against women in Darfur into real improvements on the ground. The Government formally launched the action plan at the end of November 2005. Joint committees in Khartoum and the three Darfur states have been established to oversee the plan's implementation. On 10 and 11 December, UNMIS and the Government Advisory Council of Human Rights organized a workshop to commence implementation of the action plan.

IV. Humanitarian situation

17. The widespread climate of insecurity is having a significant impact on the ability of the humanitarian community to have access to people in need. Steps have been taken to continue assisting the affected populations in the face of current

constraints, including through the use of helicopters and private contractors, but such operations are costly and may be untenable over the long run.

18. During a meeting with the tribal leaders who control the routes to Kerenek and Mornei in Western Darfur, the United Nations brokered a safe passage agreement for areas east of Geneina. However, the fighting between the government forces and rebels in Masteri, Kongo Haraza and Beida, together with militia attacks in the Jebel Moon, Silea and Kulbus areas, have forced the withdrawal of all international NGOs from those areas, leaving approximately 140,000 people without assistance. Efforts were under way to airdrop food aid supplies to the area. Militia attacks on Tawilia in Northern Darfur have similarly forced international NGOs in the area to temporarily relocate their staff.

19. Throughout Darfur, banditry has affected humanitarian convoys on an almost daily basis. In Northern Darfur, a Sudan Red Crescent Society driver was killed in an apparent act of banditry. I have come to the conclusion that insecurity in Geneina and some other parts of Western Darfur has increased to such an extent that it is no longer possible for the United Nations to carry out activities there, other than life-saving work.

20. I once again commend the 14,000 aid workers who make up the humanitarian community in Darfur for their ability to deliver essential assistance to more than 3 million affected people under such difficult conditions and to respond effectively to new emergencies. As I indicated in my report on Darfur for the month of October (S/2005/719), malnutrition and mortality rates have dropped significantly since 2004. However, with the ongoing displacement of people as a result of militia attacks, the humanitarian community faces an uphill struggle. Surveys show that outlying villages and rural areas continue to suffer from high malnutrition rates, despite the fact that crops are being harvested.

21. It is regrettable that significant returns of displaced persons to their homes now seem unlikely to take place in early 2006, when preparations for the next harvest season are due to start. In the best case scenario, the almost 1.8 million internally displaced persons currently residing in camps will remain in their temporary settlements for the foreseeable future. If the violence continues, their numbers may dramatically swell over the next months.

22. I am particularly concerned by the ongoing and deliberate destruction of significant areas of cultivated land by militia and nomadic groups. On some occasions, the police have successfully intervened to stop the destruction, but I would also expect a more consistent and coherent effort on the part of government authorities to prevent and halt that type of vicious action. I was particularly appalled by the reports that militia had destroyed all water points constructed by the humanitarian community in Masteri. I can only sincerely hope that this is not the start of a new negative trend and that humanitarian achievements will be safeguarded.

V. Darfur peace process

23. Despite the strenuous efforts of the African Union Chief Mediator of the inter-Sudanese peace talks on the conflict in Darfur, Dr. Salim Ahmed Salim, the seventh round of the inter-Sudanese peace talks, which started in Abuja on 29 November

2005, has made slow progress. In the power-sharing commission, a week-long delay occurred as neither SLM/A and the Justice and Equality Movement (JEM) nor the Government were able to reach a compromise on the four key issues being discussed under item 4 of the agenda, namely: whether Darfur should become a region or remain divided into three separate states; the inclusion of a Darfurian representative in the structure of the presidency; Darfurian representation at the national capital level; and the application of the boundaries of 1 January 1956 to Darfur. After extensive consultations with both sides, the power-sharing commission resumed work on 19 December in a somewhat improved atmosphere and is continuing to debate the four issues.

24. In the wealth-sharing commission, discussions were proceeding in plenary format and some further progress was made. From the outset, the movements called for the undertaking of a joint assessment mission by both sides, with the participation of the international community, to assess the effects of the war on the ground. While it was established that this could not take place without the appropriate security conditions, the parties nevertheless agreed to call upon international partners to participate in a joint assessment mission with the least possible delay.

25. Despite concerted efforts, including by my Special Representative, to move matters forward in the commission on security arrangements, the agenda for discussion of this item was only adopted on 23 December. The AU mediation, both separately and in conjunction with international partners, has held working group sessions with the Government and the armed movements to give them an opportunity to find solutions. However, little progress has been made so far, given the failure of the parties, particularly the movements, to separate their formal negotiating position from an agreement on the substance of the agenda. There is a growing feeling that some of the protagonists are engaged in a deliberate policy of stalling in support of their belief that they can achieve a solution through military means.

26. On gender representation, a group of experts from the AU and the United Nations Development Fund for Women has been working with women delegates at the talks and has made notable progress. After consultations with all parties, several recommendations were made, including, inter alia, attaching gender experts to the three commissions to ensure inclusion of the appropriate language in the negotiating texts. Giving an additional two places for women representatives to each of the delegations at the talks is also under consideration. In the meantime, 15 women from Darfur were selected by their peers to attend the Abuja negotiations and press for advancement on issues of particular interest to women.

27. From 19 to 21 December 2005, the National Congress Party (NCP) components within the state governments of Darfur organized an all-Darfur conference, for which they issued invitations to the armed movements, Darfurians in the diaspora and Darfurians in political movements across the Sudan. However, other major political parties, including the Sudan People's Liberation Movement, boycotted the conference, citing differences in views with NCP. Internally displaced persons in the Abo-Shouk and El-Salam camps in Al Fasher also chose to boycott the conference, arguing that they were not sufficiently represented. The conference adopted a wide range of recommendations in the economic, political and social areas. In principle, I welcome the efforts to start a dialogue among all concerned

Darfurian parties, including political parties, tribes, movements and representatives of civil society, with the aim of bringing peace and development to Darfur. However, such efforts cannot be seen as a substitute for a lasting political settlement, including an agreement on security arrangements, which is to be reached in the framework of the AU-led Abuja process. As was agreed in the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, signed by the parties on 5 July 2005 during the fifth round of talks, a comprehensive Darfur-Darfur dialogue should follow the conclusion of a final peace agreement reached in Abuja.

VI. United Nations support to the African Union Mission in the Sudan

28. As at 6 January, AMIS had a total of 6,992 personnel in Darfur, comprised of 721 military observers, 1,320 civilian police, 58 international civilian staff, 11 Ceasefire Commission personnel and a protection force of 4,882 troops. UNMIS continued to liaise closely with AMIS, through regular contacts with the Khartoum-based head of AMIS, AMIS personnel in Darfur, and through periodic meetings between the United Nations Assistance Cell and the AU Commission in Addis Ababa.

29. From 10 to 20 December 2005, the AU Commission conducted an assessment mission of AMIS, with the participation of a wide range of partners, including Canada, Norway, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the European Union, the North Atlantic Treaty Organization, representatives of several troop-contributing countries and the United Nations. The aim of the mission was to undertake an in-depth review of the operations of the military and civilian police components of AMIS in relation to the implementation of the Mission's mandate, to evaluate the prevailing security and humanitarian situation in Darfur and to make recommendations on the way forward. Air transportation for the assessment was provided by the United Nations, as a form of assistance to AMIS. The assessment concluded that AMIS has had a positive effect on both the security and humanitarian situations in Darfur and that by taking a number of specific steps, the Mission would further increase its effectiveness.

30. The findings and recommendations of the assessment mission were subsequently reflected in the report of the AU Commission Chairperson on the situation in the Sudan (Darfur) of 12 January 2006, which was considered by the AU Peace and Security Council at its meeting on 12 January.

31. In its communiqué of 12 January, the AU Peace and Security Council expressed satisfaction with the progress made in the deployment of AMIS and noted that despite serious financial, logistical and other constraints facing the Mission, AMIS had contributed significantly to the protection of the civilian population and the improvement of the security and humanitarian situation in Darfur. The Peace and Security Council also expressed its support, in principle, to a transition from AMIS to a United Nations operation within the framework of the partnership between AU and the United Nations in the promotion of peace, security and stability in Africa, and decided to convene a meeting of the Peace and Security Council at the ministerial level, in Addis Ababa, before the end of March 2006, to review the

situation and make a final decision on the issue of the transition towards a United Nations operation in Darfur and its modalities. In the meantime, the Peace and Security Council extended the mandate of AMIS until 31 March 2006.

VII. Observations

32. Tragically, another year has come to an end without a major breakthrough in efforts to resolve the crisis in Darfur. December witnessed more violent clashes involving the Government, militia and rebel groups, as well as banditry and inter-tribal fighting. I call on the parties to the conflict in the strongest terms to respect their agreements, including on the ceasefire, and the provisions of international humanitarian law. I would like to reiterate my condemnation of the vicious attack on Abu Sorouj, in Western Darfur, on 19 December, and I again urge the Government to take immediate measures to pursue those responsible. The parties should be reminded that continued violence on the ground only compounds the climate of mistrust prevailing at the talks in Abuja.

33. The parties should reach a negotiated settlement without any further delay so that peace and reconciliation can finally come to Darfur. The alternative is that Darfur will slip back into chaos, which would force its people to endure another humanitarian catastrophe. To prevent such an unacceptable development, security must be improved immediately by working with the African Union forces. AMIS has managed to stabilize the situation in many areas of its deployment, but the African Union Mission needs logistical and financial support to be able to strengthen security on the ground. Moreover, since the long-term solution to the conflict lies at the negotiating table, the process in Abuja must urgently be energized to facilitate a political settlement. It is also critical to ensure that the Government honours its commitment and responsibility to help protect its own people and assist the humanitarian effort.

34. While all efforts should be made to reach a comprehensive settlement in Abuja at the earliest possible moment, it is clear that international involvement in Darfur will only grow more challenging. Volatility, enormous logistical constraints and a punishing environment will require that any future international presence in Darfur is enhanced, multifaceted, robust, mobile and in place for as long as required to see peace take root. The support requirements for such a presence would also be enormous. Security Council members and other Member States with appropriate military capabilities should be prepared to contribute in a major way to such an effort on the ground. Since the AU Peace and Security Council has expressed its support in principle for a transfer from AMIS to the United Nations in Darfur, we will work closely with the African Union and all other stakeholders to take the matter forward. The transition itself will be a very difficult and costly exercise and will also require extensive logistical, human and financial resources. In the meantime, everything possible should be done to support and strengthen the existing AMIS operation and provide it with the necessary funding. In this regard, AU Commission Chairperson Konaré and I have agreed to convene a pledging conference for AMIS in the second half of February 2006.

35. The violence along the Chad-Sudan border has also exacerbated considerably the instability in Darfur and added to the frustrations surrounding the talks in Abuja. The escalation of tension along the border is a very disturbing development. As I

have stressed in previous reports, there is a strong correlation between the Darfur crisis and instability within Chad. The risk that transborder tribal ties could internationalize the conflict in Darfur has been a matter of concern for some time, and that risk has become all the more real since the defection of Zaghawa soldiers from the Chadian army, some of whom are now allegedly based in Darfur.

36. It is vitally important that the situation in the border areas of Chad and the conflicts in the Sudan do not combine to propel the two countries and the whole region towards confrontation and conflict. With mutual accusations and the increased concentration of troops on both sides of the border, the potential for an open confrontation between the two countries cannot be minimized. Such a conflict would have devastating consequences for populations in the area and would constitute a severe blow to efforts aimed at resolving the crisis in Darfur. I call upon the Governments of the Sudan and Chad to take immediate and resolute steps to diffuse the tensions along their common border. I welcome the initiative of the African Union to assist the two countries in mending their relations and I urge other Member States to appeal to and assist both Governments to resolve their differences peacefully.